

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MITCHELL KEITH GOODRUM,

Plaintiff

v.

CHARLES B. WOODMAN,  
WOODMAN LAW GROUP,

Defendants

Case No.: 3:24-cv-00012-RCJ-CSD

**Order**

Re: ECF No. 3

Plaintiff is an inmate in the custody of the Nevada Department of Corrections (NDOC), and has filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1.) The complaint was not accompanied by the filing fee or an application to proceed *in forma pauperis* (IFP). Plaintiff subsequently filed an application to proceed IFP. (ECF No. 3.)

The Local Rules of Practice for the District of Nevada provide: “Any person who is unable to prepay the fees in a civil case may apply to the court for authority to proceed *in forma pauperis* (IFP). The application must be made on the form provided by the court and must include a financial affidavit disclosing the applicant’s income, assets, and liabilities.” LSR 1-1. When a prisoner seeks to proceed without prepaying the filing fee, in addition to filing the affidavit, the prisoner is required to submit a certified copy of the trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint. The statement must be obtained from the appropriate official at the prison or detention facility where the prisoner is or was confined. 28 U.S.C. § 1915(a)(2).

When a prisoner brings a civil action IFP, the prisoner is still required to pay the full amount of the filing fee. The court is required to assess, and when funds exist, collect an initial

1 partial payment of 20 percent of the greater of: (A) the average monthly deposits in the  
2 prisoner's account or (B) the average monthly balance in the prisoner's account for the six-  
3 month period immediately preceding the filing of the complaint. Thereafter, whenever the  
4 prisoner's account exceeds \$10, the prisoner must make monthly payments of 20 percent of the  
5 preceding month's income credited to the prisoner's account until the filing fees are paid. The  
6 funds are to be forwarded by the agency having custody of the prisoner. 28 U.S.C. § 1915(b)(1),  
7 (2).

8 For actions filed on or after December 1, 2023, the filing fee is \$405 (the \$350 filing fee  
9 and \$55 administrative fee). If an inmate does not qualify for IFP status, he must pay the full  
10 \$405 filing fee. If the inmate qualifies for IFP status, the \$55 administrative fee is waived, and  
11 the inmate will only pay the \$350 filing fee over time.

12 Plaintiff's IFP application includes a financial certificate dated August 26, 2023, which is  
13 more than six months before he filed this IFP application. Moreover, the financial certificate  
14 indicates Plaintiff should be required to pay the full \$350 filing fee if granted IFP status. The  
15 court will deny the outdated IFP application without prejudice and will require Plaintiff to submit  
16 a new completed IFP application.

### 17 CONCLUSION

18 Plaintiff's incomplete IFP application (ECF No. 3) is **DENIED WITHOUT**  
19 **PREJUDICE.**

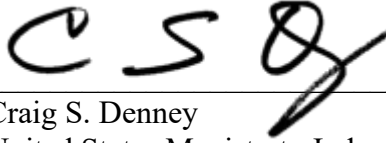
20 The Clerk shall **SEND** Plaintiff a copy of the instructions and application to proceed IFP  
21 for an inmate **at Northern Nevada Correctional Center**. Plaintiff has **30 days** from the date of  
22 this Order to either pay the full \$405 filing fee or file a fully completed IFP application, which  
23 includes pages 1-3 of the court's approved form and is properly signed by Plaintiff on page 3.

1 Once Plaintiff has filed his completed IFP application and financial certificate or paid the  
2 filing fee, the court will screen the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) or 28 U.S.C.  
3 § 1915A, or both. Both require dismissal of a complaint, or any portion thereof, that is frivolous  
4 or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief  
5 against a defendant who is immune from such relief. If the complaint is dismissed on screening,  
6 there will be no refund of the filing fee, and an inmate proceeding IFP is still required to pay the  
7 \$350 filing fee over time.

8 If Plaintiff fails to timely file a completed IFP application and financial certificate or pay  
9 the filing fee, the court will recommend dismissal of this action without prejudice.

10 **IT IS SO ORDERED.**

11 Dated: May 8, 2024

12   
13 Craig S. Denney  
14 United States Magistrate Judge  
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